Supreme Court, U.S.
FILED

98 232 AUG 3 1998

OFFICE OF THE CLERK

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Harry J. Coughin, Jr., LLb.
Petitioner

vs.

City of Birmingham

ON PETITION FOR A WRIT OF CERTIORARI TO THE JEFFERSON COUNTY CIRCUIT COURT AND CITY OF BIRMINGHAM MUNICIPAL COURT

PETITION FOR WRIT OF CERTIORARI

Harry J.Coughin, Jr. LLb. (Pro Se)
1616 Mann Dr.
B'ham, AL 35214
(205)798-5158

46 pp

QUESTION PRESENTED

1. Alabama has totally disreguarded all rule and law. This is a continueing ongoing intentional denial of rights, directed by the Supreme Court of Alabama. This applies to both civil and criminal proceedings. We have been intentionally and wilfully violated and and denied due process. Even when the upper courts have recognised we have been violated, the upper courts (both federal and state) have refused to correct and control their lower courts and have allowed them to falsely imprison and harrass Petitioners (see ***Coughlin vs. B'ham, 701 So.2d 830)***.

In this case the state has refused to even notify me of the trial date and even the arresting officers name, and I was wrongfully jailed for 72 hours for demanding a complaint and the names of the arresting officers. Once again the state of Alabama has intentionally violated me and both the state and feds have refused to enforce my rights. Infact, Mr. Barnett (Ass. Federal Attorney in B'ham) once again reminded me that I am a male white and have no constitutional or civil rights.

Petitioner demands that this Court enforce my rights as set out by both the state and federal constitution. There are no fine points of law in this case I have been denied ALL due process and ALL rights.

STATEMENT PURSUANT to RULE 14.1(b) and 29.1

Alabama Attorney General

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Montgomerg, AL 36130
(205)242-7300

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STATUES

§12-1-8
§12-1-9

§12-1-12
§12-14-31
§12-12-54

PETITION FOR WRIT OF CERTIORARI

Petitioner, Harry Coughlin, respectfully prays that a Writ of Certiorari issue to review the Contempt Judgement of Magistrate(?) Barns of the City of Birmingham and the refusal of the Jefferson County Circuit Court to act and control said Magistrate.

OPINON BELOW

Petitioner has included a page APPENDIX. This consist of A, (10 pages) hand delivered to the municapal court and then remailed (certified, see page 10) to be sure, B, Writ of Mandamus to Presiding Judge (page 11), $116.00 Reciept and denial by Judge Hard, who is not either presiding judge (page 12), C, Petition For Writ of Mandamus, to Presiding Judge (Mike McCormick and/or Wayne P Thorn, attempted to file 6/2/91(page 13), D, Amended Complaint with Judge Thorn's Permission (page 14&15), E, Notice to Judge Jackson (page 16&17) and F, Motion Objection To Treatment by the Trial Judges (page 18).

JURISDICTION

As established by EX parte Dickens, 50 So. 218, and all established law Petirioner is first intitled to a Writ of Habeas Corpus, while in custody and Certiorari after release. Petitioner was locked up on 6/10/98. He was held in general lockup for approx. 12 hrs, the in cell block D, in inhumain conditions (overcrowed and lack of ventalation). I was also denied bail, access to the law libary, paper, pencil, pen, typewriter, paper, or forms to expedite my release. The Court has a duty to direct and control it's lower courts. This Court

has refused and failed to exercise this control.

Since the State and Federal Constitution both apply Petitioner relies on;

Amendment I- ...freedom of speach,...and petition.

Amendment IV- The right of the people to be secure in their persons, houses, papers, and effects, aginst unreasonasearches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V- No person shall be held to answer for a capital, or otherwise infamous crime, unlesson a preeantment or indictment of a Grand Jury, except in cases arising in land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy or life or limb; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI- In all criminal prosecutionts, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses aginst him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment VIII- Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment XIII- Section 1. Neither slavery nor involuntary servitude, except as a punsiment
for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Amendment XIV- Section 1. All persons or naturalized in

1the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State make or enforce any law which shall abridge the privileges or immunitiesof citizens of the United States; nor shall any State deprive any person of life, liberty, or property, withoutdue process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Alabama Constitutional Amendment 328, Article 8

STATEMENT

The facts of this case are as follows: In June of 96, I was on private property shopping when I was accosted by a BPD officer. I was given a parking ticket to "teach me a lession". I appealed the case and the "mystery judge" took a swing at me from the bench. Infact, I thought he was going to roll right off the bench. I filed a Motion Objecting To Treatment By The Trial Judges on 9/24/96. This motion is included as **Appendix F** it is also part of the record in **Coughlin vs. B'ham, 701 So.2d 830.** This case is also refered to in the Exibits (page 7&8) in **Appendix A,** Motion To Consolidate All Cases to the 6/10/98 date (see page 7 Attachment), A Demand For A Jury Trial, and Rule 26 Discovery Demand. At that time I did not know the "mystery Judges" name or the one that Judge Garrett directed at Circuit Court. Infact, I have not been returied on that case and the statue of limitations has run on 7/3/98. I have recently anounced my intention to persue false arrest, ect recently and this is a direct result, Garrett's acts were intentional and wilful.

On 5/8/98 I was at Office Depot on bussiness, when I came back out I was accosted by two women in a van and extroted for $200.00 (see **Appendix A** ((pages 3&4), Events of 5/8/98)) I took pictures and would have call the Office Depot but one of the women had a cell phone. When the BPD officer, hereafter refered to a "bike boy" arrived. I had my taperecorder and he literally attacked me and broke my taperecorder. I was assulted and tortured untill 6 o'clock and

denied medical care.The only paper I was given was the, page 9 of **Appendix A.** When we went to pick up our car we were given 3 more tickets, falsely, near Kemps Garage. After being screamed at by "spike" for several hours and being threatened with arrest again we were finally released, and we got the car and I went to the Hospital. (see page 5, **Appendix A**).

On the 9th we went to city court on "spikes" three tickets. We tried to get the tickets consolidated but failed, we gave anther copy of the Discovery and list of witnesses and were given a trial date. We also gave the judge a copy of the Mandamus (see **Appendix D**).

On the 10th we were standing in the loby (we understand that Barns is **always** late) when Barns showed up. I identified him as the "mystery judge" that tried to hit me when my back was turned. Barns did not call my name and waited to call me last, infact, we were the only ones left. I approched the bench. I pleaded "not guilty", and tried to gi ve the judge copies of the papers I had filed. He refused to accept them and I anounced my intention to file in Montgomery. I then sat down and was later called up by the clerk. I layed the list of witnesses on the clerk and at that point the judge "exploded again". I was put in comtempt for 72 hours. I was not warned, I was never told what I was guilty of, and I was not held in the proper place, or under the proper conditions, and was denied the tools nessary to file for my release. The following was done wilfully and intentionally with (once again) the full cooperation of the Jefferson County Circuit Court and
infact, Petitioner feels that Judge Thorn infact directed judge Barns, if infact Barns qualifies as a judge under 328?

REASONS FOR GRANTING PETITION

1. As set out in **Brutkiewicz v. State, 191 So.2d 222**, this case case is long established. In that case, there were three errors; (1) judge should have recused himself, (2) overruled demurr, and (3) erred in fining him in contempt. That is exactually what happend here.

I was arrested again and never even told what I was charged with. The officers refused to identify themselves, the

jailers refused to identify themselves or render medical treatment, my car was unlawfully towed, I was literally tortured by BPD. Being in fear of my life, I file for protection from the "mystery judge" Barns who once again has a fit upon the bench. He denies me the provisions of §12-1-11, denies me bail, appeal, and ordered me to do *"hard time"*. This judge in consert with judge Thorn and others has sought to denie me any due process. They have, as set out in **Coughlin vs. B'ham, 701 So.2d 830,** once again *wilfully and intentionally* denied me any "due process".

2. I have included the motion filed with Thorn and Jackson. Both Judges are absolutely biased and I have filed to have them recuse themselves and infact this entire circuit is biased. As the motion (Appendix E, page 16&17) shows, Jackson has made derogitory remarks and has refused to enforce any of my discovery. Infact, Jackson has intentionally refused to comply with any rule or law and infact, he stated at the last hearing, "court administration can go to hell and you can tell them so Mr. Coughlin." This is wilful behavior on the CIRCUIT's part. I have also included a copy of the booklet filed with the USSC which shows a pattern of abuse by TIIS Court in reguard to the Coughlin's. These cases overlap and show an ongoing attempt to abuse and harrass us.

3. The Court of Criminal Appeals disreguarded that Barns tried to hit me and that I had to walk from the city hall to the county clerks office, 3 round trips or 6 trips total, and that the appeal was infact, prefected on the day of trial, inspite of the threats of the judges bailiff (Appendix F, page 18). Fearing the same thing would happen again, I filed for an order of protection, and it was refused, though judge Thorn had us escorted at gun point from the courthouse (see Appendix D, pages 14&15). Once again this is a pattern of abuse established by this Court and it's failure to control and direct it's lower courts. **Coughlin vs. Board of Equalization, 442**

So.2d 104, as stated before is 3 blank pages, West doesn't have "sovern immunity". At every step we are intentionally abused by the courts of Alabama. Even though we paid the $116.00 nessary to file the mandamus (not nessary in criminal?) to the Presiding judge it was denied by Hard not the presiding judge (**Appendix B**, pages 11&12). This conduct is intentional, wilful, and malicious, by these judges.

4. This Circuit has established a "city circuit judge" system. One judge handles ALL the B'harn cases. No matter what Barns does it is upheld, just as "Smiling Jack's" cases were upheld. Thorn is well pleased with the system and has refused to control Barns. Infact, I understand that Barns does not meet the "standards" set out in 328, but as the Court is aware this is "quo waranto". I only have to establish that the judge(?) is acting in total disreguard of the law. I have been arrested jailed twice and filed certified copies of motions and all I have gotten from the court is (**Appendix A, page 9**). Infact, Barns has refused to comply with any law or rule. I have waited to appeal to see if the judge would comply in any manner.

CONCLUSION

As this Court is aware I am not without money, resources, and degrees. Once again I was virtually kidnapped. I was jailed without any "due process". Denied an appeal, bond, medical attention, held under inhuman conditions, without water, inadaquate ventalation, with no access to the libabry or tools, denied habis corpus, and made to do "***hard time***" by a judge that is totally out of control. I have still not been granted a discovery, and infact I can't even get the name of the arresting officers and who prefered the charges or what the charge is, and infact, I have not even been given a trial date. Infact, Judge Thorn and Barns have intentionally denied me any and all "due process" and Constitutional Rights. This is both my Alabama and my federal rights. I am reminded again of the remarks of one of

my law professors, to paraphrase him, "If I have a right you haven't intentionally violated, it's because we just haven't got there yet. I never get to argue the finer points of law, all my cases are just like this one. **THERE IS NOT ONE THING THAT JUDGE THORN OR BARNS DID THAT COMPLIED, IN ANY MANNER, WITH ANY LAW OR RULE.** As I always say, "good help is hard to find in Alabama", too many retards. I guess the judges intend to take the $500.00 cash bond and denie me appeal, that is virtually what they did in the Treadwell case, and is SOP in Alabama.

DONE this the _____ day of June, 1998.

Harry J. Coughlin, Jr., LLb. (ProSe)
1616 Mann Dr.
B'ham, AL 35214
(205)798-5158

APPENDIX

APPENDIX A

IN THE SUPREME COURT OF ALABAMA

June 30, 1998

1971656

Ex parte Harry J. Coughin, Jr. PETITION FOR WRIT OF CERTIORARI TO THE CIRCUIT COURT OF JEFFERSON COUNTY (In re: Harry J. Coughlin, Jr. v. City of Birmingham) (none) (Jefferson: CC-96-3532)

ORDERED

IT IS ORDERED that the application for rehearing filed in this cause on June 27, 1998 be, and the same is hereby, stricken in accordance with the provisions of Rule 39(j), Alabam Rules of Appellate Procedure. NO COSTS TAXED.

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I, Robert G. Esdale, as Clerk of the Supreme Court of Alabama, do hereby certify that the foregoing isa full, true and correct copy of the Instrument(s) herewith set out as same appear(s) of record in said Court.
Witness my hand this 30th day of June, 1998.

Clerk, Supreme Court of Alabama

APPENDIX B

IN THE SUPREME COURT OF ALABAMA

June 27, 1998

1971656

Ex parte : Coughlin

MOTION FOR REHEARING

Petitioner shall once again state his case and the reasons this Court has to grant relief. On 5/8/98 at approx. 1100 hours I was at office Depot. Two women tried to shake me down for $200.00. I iniated the request for a witness, took pictures and tried to record their statements and exchange information. Bike boy (the only way I have of identifing him) arrived on the site. He assulted me and broke my taperecorder, his partner then stole papers from my car, tortured me, and had my car (over my objections) towed, without Office Depots permission. All of these acts were clearly illegal. My hands were cuffed too tightly and my rotator cup was broken, I was denied treatment by Cooper Green. The only paper I was given was page A9, it is not an indictment as defined by the Constitution or law. It has no charge and the officer is not named. On the 11th we filed Appendix A with the Municipal Court (page A10) by hand and certified mail (see reciept). We also served the city attorney, attorney general, ect.) We included a statement of the incident and a request for discovery. These are absolute rights any defendant has under the Bill of Rights.

At every step we were threatened and abused by the judges and court personel. I was in fear for my life and filed for a Writ of Mandamus and order of protection from the Presiding Judge. In the Writ we brought up that in 1996 in **Coughlin vs. B'ham, 701 So.2d 830,** the Alabama Court of Criminal Appeals ruled that Circuit Judge Garrett intentionally and wilfully violated my rights and directed both Garrett and the city to change the forms and proceedures. As the **Record on Appeal** will show (see A18) I was threatened with jail (contempt?) for demanding a court reporter and jury, I was assulted when I pulled out my taperecorder. I also complained about the mystery magistrate, who had refused to give me his name. In the **Motion Objecting to Treatment By the Trial Judges**, filed on the morning of 9/24/96, before trial by Garrett, which was reversed on 7/3/97, in **Coughlin vs.**

B'ham, 701 So.2d 830, I wrote the following; " *On July 29, I had a hearing before a judge (unnamed) who threatened me and reached over the bench to take a swing. And when I said I was going to appeal him and his idiot baliff kept threating to arrest me, I had to walk from city hall to the courthouse 3 times before I prefected this appeal".* This is a matter of record and shows an absolute bias. I was demanding protection from both the City Circuit Judge and the City Court, both of which are and were out of control.

We paid the $116.00 filing fee, but Judge Hard (the former City Circuit Judge) dismissed. We refiled with Judge Thorn (after he assulted us and had Alred escort us from the courthouse at gun point) This motion was never acted on by the Presiding Judge, intentionally.

On the 10th judge Barns entered the building and I identified him to my mother and the people we were talking to. Barns did not call my case till last, everyone had left. I voiced that my case had not been called and Barns's clerk threatened me. I waited and Barns called me up to the bench. I pleaded not guilty and tried to "reserve" the discovery, and asked that Barns recuse himself for cause, he ignored everything I said and threw the papers to his docket clerk?, I sat down. The docket clerk called me and while we were discussing the discovery, Barns exploded. He said that he was putting me in contempt for 72 hours at hard time. I was never told what the contempt was for or given an appeal as set out in §12-1-11, neither was §12-1-9 or §12-1-10 complied with, infact I was intentionally and wilfully violated, with the consent of Judge Thorn.

In this case I have shown that the Jefferson County Circuit Court along with B'ham, have acted in consert to denie and violate us. As in **Brutkiewicz, 191 So.2d 222,** everyone had left the courtroom, I was talking to the docket clerk (not the judge) I was not sited what conduct was contemptable, I was not given a trial date (and though we have called and asked the court personell have refused to inform us in writing or verbally), the judge was biased and prejudice aginst me (see

Coughlin, 701 So.2d 830), I was given no opportunity to appeal, granted no Habis Corpus and now this Court has denied me a Writ of Certiorari as set out in Ex parte Dickens, 50 So. 218. In effect you have once again intentionally denied me any relief just as you did in 83-381-M and 442 So.2d 104. This Court is unable to control its lower courts and conspires with them to intentionally peprive its citizens of life, liberty, property, and causes them to suffer inhuman conditions at the jail. I was held in a holding cell with sometimes 9 inmates, that puked, pissed, and shit all-over-themselves, I was only given a cell? 12 hours later, I can only assume that this is "hard time".

As set out in Brutkiewicz, Barns has intentionally and with malice sought to "use his office to punish me", in my case I have established that, I still do not know even who the arresting officer is or the actual charge aginst me. This is intentional misconduct and this Court has allowed its lower courts to continue their misbehavior. I was assulted, beaten up, jailed, booked, injured, denied medical treatment, harrsased again when we went to pick up our car, threatened at gunpoint again and told that the were going to transport us, called in 5 other cars, given 3 more false tickets, and then jailed at "hard time" for contempt for demanding to know what I am charged with, and who are the witnesses aginst me.

Petitioner, demands that the Court remove Barns from this case, and infact from the bench, for his intentional misconduct, bias, and prejudice, this is classic Brutkiewicz, 191 So.2d 222 Futher, since both cases arose out of the one transaction I move the Court to consolidate the cases. I demand that the information requested in the discovery be granted, and the city be made to answer my "interrogitories", now. Futher, as this Court is well aware, Judge Jackson (like Judge Vowel) in CV97-4893-WAJ, is biased and perjudice, and we feel that him and Polly Conradi (circuit clerk) have intentionally disreguarded the law and rule. Infact, the judge has openly stated that you and court administration can go to hell. This County is absolutely biased and as the Riley case

clearly showed you were unable to control, even Culman County. Though Riley beat us up and no hearing was had, it was moot. Is this MOOT too. I posted my $500.00 cash bond as I did in Coughlin, 701 So2d 830, will this be like that one and Garrett refuse to retry it and keep the money without paying me any interest. If there is a lack of "record" in this case, it is because your lower courts have intentionally refused to comply with the law. I have clearly and intentionally been violated by Jackson, Thorn, Vowel, Garrett, Hard, Barns, and Polly Conradi (clerk).

FOR THE ABOVE REASONS THE WRIT SHOULD ISSUE. Petitioner asks that oral arguements be ordered.

Harry J. Coughlin, Jr., I.J.b.(Pro Se)
1616 Mann Dr.
B'ham, AL 35214

CERTIFICATE OF SERVICE

I herby certify that I have, by certified mail, served copies of the above MOTION on Judge Jackson, Thorn, and Barns, om this _____day of June, 1998.

Harry J. Coughlin, Jr.

Magistrate Barns
801 17th St., N.
B'ham, AL 35203

Judge Wayne Thorn
Courthouse
B'ham, AL 35263

Judge William Jackson
Courthouse
B'ham, AL 35263

APPENDIX C

IN THE SUPREME COURT OF ALABAMA

June 30, 1998

1971656

Ex parte Harry J. Coughin, Jr. PETITION FOR WRIT OF

CERTIORARI TO THE CIRCUIT COURT OF JEFFERSON COUNTY (In re: Harry J. Coughlin, Jr. v. City of Birmingham) (Jefferson: CC-96-3532)

ORDER

IT IS ORDERED that the petition for writ of certiorari filed in this cause on June 22, 1998, be, and the same is hereby, stricken for noncompliance with Rule 39, Alabama Rules of Appellate Procedure. *NO* COSTS TAXED.

I, Robert G. Esdale, as Clerk of the Supreme Court oi Alabama, do hereby certify that the foregoing is a full, true and correct COPY of the instruments herewith set out as same appear(s) of record in said Court.

Witness my hand this 24th day of June, 1998.

Clerk, Supreme Court of Alabama

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APPENDIX D

IN THE SUPREME COURT OF ALABAMA

7/2/98

1971656

Ex parte; Coughlin vs. B'ham

Dear Esdale,

In the past you have acted in a prejudice and biased manner. In 1983 you acted with reckless disregard of the law in 83-381-M. You personally sought to denie me an appeal. In that case my appeal was given to the Civil Court of Appeals, wrongfully. They made a rulling that double in Alabama was equal. Infact, they intentionally lied in their decission and 442 So.2d 104 is now 3 blank pages. Justice Talbot finally granted (over your denials) the certiorari. This decission was never printed (West) because the Supreme Court cannot substitute

its opinion for that of the lower court in a Certiorari. This has become SOP for you in these cases.

Infact we have been before this Court repeatedly and this Court has refused to direct and control it's lower courts, and infact, as the Riley case shows this Court infacts directs these intentional violations.

In CV 96-2070-JSV, Alabama Supreme Court #2960772, Judge Vowell directed the jury that, "Deputy Palmore had intentionally writen a "fraudulent" accident report and King had admitted that there was not $3,000.00 (infact, no damage) in damages as reported. But King did not direct the sheriff and since he had sovern imunity, King could not be held responsible" This same officer is responsible for writing another "fraudulent" report in CV 97-4893-WAJ. We have tried to have, through, Mandamus the judge removed, but this Court has refused to act on the motions.

In CR-96-0072, Coughlin vs. B'ham, 701 So.2d 830, it is established that judge acting as "city circuit judge" intentionally and wilfully denied me a jury. He also denied me a court reporter and in the "motion" filed before court (record on appeal) judge Barns actually tried to hit me when my back was turned.

In the present case I was beatup and denied medical treatment, I was not charged that day and I have not been charged since, offically in writing, no complaint has issued and I have not been informed of my accusers.

Because when I filed my "discovery" and motion I has threatened by the court personell I filed for a "Writ of Mandamus" with the circuit court, Judge Hard denied it, I refiled it with Judge Thorn (the Presiding Judge). The latest filing has not been acted upon, and Thorn is aware that I was jailed for comtempt. Judge Trorn has refused to act, intentionally and wilfully. This is aginst §12-1-9, §12-1-10, & §12-1-11. I was intentionally denied those rights and jailed. Therefore those issues are moot.

CONCLUSION

I have included a copy of §12-1-8 where I have undclincd on pagc 9,

Review of contempt by certorari.-- The proper way to review the action of the court in contempt cases is by certiorari and not by appeal. Ex parte Dickens, 162 Ala. 272, 50 So. 218 (1909).

I have also included **33 ALR3d 614.** ***There is no record on appeal in this case, Mr. Esdale.***

You have (once again) sought to denie me any justice. It is the duty of the Suprem Court (see ***Brutkiewicz vs. State, 191 So.2d 222.*** I have filed everything nessary for this court to order an answer from Thorn and Barns, both have been serve by certified mail. Judge Barns, Hard, Garrett, and Thorn, have intentionally refused to answer, and this Court has, once again, rcfuscd to ordcr an answcr or cxcrcisc control of its lowcr courts. Since, this is **not an appeal** there is no "record on appeal" and Petitioner damands that Esdale the Clerk put the **Writ of Certiorari** before the court as the law requires. If you (Esdale) continue as you did in **442 So.2d 104** you will be intentionally guilty of "obstruction of justice" personally. Judges denie,not clerks, Mr. Esdale and it will be noted that you are a Tarrant boy and these judges are your personal friends.

This hearing is nessary because, they have continued to intentionally violate me. Jackson is still "setting" on the case, refusing to remove himself or order the defendants to answer, they are in comtempt, but the judge has refused to act. Barns has refused to even serve me with a complaint and I do not have a trial date. And Thorn is now denieing that I served him. Thcsc arc wilkful dcnials of cvcn thc basic "human rights". I know that Gov. Fob James says that we have no "bill of rights" but I didn't think I would be able to prove it so easely. If the writ is not submitted to the court I intend both the Certiorai to the United States Supreme Court and the Federal Case for intentional violation of my constitutional rights to name you personally as being responsible for supervising this intentional denial of my human rights.

DONE this the _____day of July, 1998.

Harry J. Coughlin, Jr, LLb. (Pro Se)
1616 Mann Dr.
B'ham, AL 35214

CERTIFICATE of SERVICE

I hereby certify that I have mailed to the following;

Judge Barns
801 17th St., N.
B'ham, AL 35203

Judge Wayne Thorn
Courthouse
B'ham, AL 35263

Judge Wiliam A. Jackson
Courthouse
B'ham, AL 35263

1975 Code of Alabama §12-1-8 GENERAL PROVISIONS

Review of contempt by certiorari.--The proper way to review the action of the court in contempt cases is be certiorari and not by appeal. Ex parte Dickens, 162 Ala. 272, 50 So. 218 (1909)

33 ALR3d 614 Contempt- Review Other Than Appeal

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Ex parte Wheeler (1936) 231 Ala. 356, 165 So 74, The court, ...or an error of law in holding to be contempt that which in law is no comtempt, a review may be had by comon-law certiorari.

APPENDIX E

IN THE CITY OF BIRMINGHAM, Municipal Court

Harry J. Coughlin, Jr., LLb.,
Defendant,
vs.
City of Birmingham,
Prosecutor.

Ticket # 1340769, 1340770, 1340771 and the arrest that occured on 5/8/98 at Office Depot and refereed to on Page 7 (attached).

MOTION TO CONSOLIDATE ALL CASES TO THE 6/10/98 date (see page 7 Attachment), A DEMAND FOR A JURY TRIAL, and Rule 26 Discovery Demand

Defendant acting as his on attorney (LLb.) moves the court to combind the cases because as set out in the ***EVENTS OF 5/8/98*** (pages 1&2 of the Attachment) they in effect establish a "pattern" of police brutality and harassment. As will be established by the facts you and your officers are retaliating over my anounced intention to sue you and your agents in the Traadwell case (see pages 5&6 of Attachment).

Defendant demands the following on discovery:

1. All tickets writen, compleated or not,

2. Right of inspection of all ticket books in the three officers (two to jail and one on Finley).

3. Copeie of the 911 calls of the 8th and 9th.

4. All tapes of radio dispatchers North, East, and South for the 8th and 9th..

5. All logs North, East, and South for the 8th and 9th.

6. All records of cell phones in the posession of the officers.

7. All statements given to or by the officers, witnesses, personell, or employees of the City.

8. " " " " " " " " " " " " " County.

9. " " " " " " " " " " " " State.

10. " " " " " " " " " Federal Government.

11. I want all statements, recordings, admission forms, names of all personell, employees, and doctors of Copper Green Hospital an agent of Birmingham, that wilfully participated in my 6 hours of torture. I also want any paper or otherwise from the Birmingham Jail Duty Nurse that denied me treatment.

12. I want all recordings tape, video, electronic or

otherwise made at the jail. There are at least 2 cameras visable.

13. I want the manes of the Van driver at Office Depot, the Rental Company name and address, the vin #, and copy of registration (see Page 3, ticket #1340771).

14. I also want YOUR WRITEN PERMISSION TO BE ON OFFICE DEPOT"S PRIVATE PROPERTY as required by City Ordinance §10-15-21 (see pages 5&6 attachment).

15. The above shall apply to any comunication made to any State, County, City, offical, personell, employees, or relitive that has knowledge of these cases (see request for all cell phone records) made by agents of the city (actual or constructive).

16. The information contained on the back (Attachment page 7) is intentionally misleading on several points, but I wish it to be stated and explained how the officers and personell (magistrates) share the proceeds of these tickets, excessive bail, and appeal bonds. This is a mater of record.

17. I want both officers at Office Depot tested for AIDS, and all other comunitable diseases.

18. I want all 3 officers last physical, any medication they are on, and their last mental evaluation and service record.

Defendant futher, puts this court on notice (see CR-96-0072) that the last time I appeared in the city court the ***mystery magistrate*** almost fell over the beanch, when he swung at me. The same thing happened in circuit except it was a ***mystery judge***, this along with these arrests establish a pattern of abuse, and denial of even the basic human rights (see pages 5&6). Now that I have proven that excessive force was used, I was tortured for 6 hours, was refused water, refused food, refused the allow me to sit, refused me medical treatment, refused to cover my open wounds, refused to take off the cuffs, dislocated my shoulder, I had to have a tetnus shot, and caused me to loose the use of my hands, nerve

damage (see pages, 3 and 1&2), I am in actual fear for our lives. Both "bike boy" and "spike" were in a barely controled rage and both unstraped the service pistols, this in and of itself was excessive force. Defendant is demanding a jury and court reporter, and we demand that they be present before trial starts and we want the proceeding to be taped (audio and video) as a safeguard to our safety. **WE WANT THIS IN WRITING BEFORE BEFORE JUNE, IF WE HAVEN't GOT IT BEFORE THEN WE WILL FILE OUR FEDERAL SUIT for INTENTIONAL WILFUL MALICOUS ACTS and name you the county and state** for these criminal pratices.

Defendant puts this court and city attorney on notice, by hand delivering a copy of this to all parties, IA (county & city), AG, Maj. Shoemaker and Ray, Court of Criminal Appeals, Supreme Ct's, Federal Court & FBI. all news organizations and the precincts. Every on interested in how Jannice and the supreemees run Alabama.

DONE this 5/11/98.

Harry J. Coughlin, Jr., LLb. (Pro Se)
1616 Mann Dr.
B'ham, AL 35214

EVENTS OF 5/8/98

At 1100 I left the house and went to Office Depot to make copies, infact I use it regularly. I got to OD at 1200. When I pulled into OD's private parking lot, that is maintained for customers, I parked next to a deep green van. There was a strong wind blowing at the time. I got out and went into OD, but I did not roll up my window or lock my car (I was only going to reduce 3 pages). When I returned to my car the driver of the van was standing at the rear of my car. She said, "your car damaged my van." I informed her that my car had not

injured her's. She then threatened me with the "cops" and insurance company and susgested that I should pay her something now. I informed her that I had insurance and I also had a camera and VA Taperecorder. She showed me what looked like small scraches on the fender. I took pictures and waited (the passenger was on the cell phone) I had already stated that I would phone the cops from OD. It was me that wanted an unbiased third party to witness what had occured on OD's private parking lot.

When one of the "bicycle boys" arrived he parked this bike in back of the van. I told the officer that I would let the woman tell her story first, but the officer pushed me out of the way and went forward with the woman. At that time I activated the taperecorder. The officer said he was going to write me up for "criminal mischief" he then took the woman to the back of my car and started telling her what he was going to do to me. At this time he noticed the taperecorder. He said, "turn it off (taperecorder) and get back into my car. I told the officer that that was a unlawful order and cited him *Coughlin FOPO*. At that point he went wild. He knocked the taperecorder down, he stomped it, the back shattered and the batteries rolled out. He then grabed my right arm and twisted it behind my back (infact he tried to break it, see attached Carraway doc.) He forced me to the ground and handcuffed me, behind my back. He then proceed to attack my right arm. He seemed to be tring for somekind of Vulcan Nerve Grip? When that didn't work he put one foot in my back and pulled my socket out of place. The doctots say broke the "rotator cup", something now noticeably, audibly pops when I move my shoulder and it causes me great pain when it pops and grinds. Any competent doctor will agree with these findings. Also, he rached the cuffs down as tightly as he could. I was in great pain and asked the OD employees to note the officers use of excessive force and my pain and suffering. At this point he started calling me "mommies boy" and "cry baby".

He called a car and when it arrived they threw me into the back. They then started the car and turned on the heater. In

minutes it was well over 110 degrees in the sealed back. At this time a gust of wind picked up the bike and slamed it into the rear of the van. I asked if he was goning to write hisself a ticket for "criminal mischief". the two officers renewed their taunts and turned up the heater and rolled up their windows and got out leaving me alone. They finally got back in rolled down their windows and transported me "the long way". At the jail I was left in hand cuffs and was only taken out of the cuffs for about an hour I was released at about 1800. I tried to see the nurse but she refused to see me. I was taken in cuffs to Cooper Green but the doctors and staff refused to relieve the pain of my dislocated shoulder or dress the wounds on my body and when I complained they sent me back to the jail. The "bike boy" ran four red lights, speeded, slamed on his brakes, hit the curb once and I was not only bursed and battered but was in fear for my life, Once again he rolled down his window and ran the heater at full blast. I was really sick and the Sergeant once again left me in cuffs untill my release shortly before 1800. Though I did not resist arrest I did not **consent** to be arrested and I comunicated this to everyone I came into contact with. I also at every turn communicated that torqued down cuffs behind the back is **excessive force** and **torture**. These acts along with the following acts show a pattern.

My car, over my objections, was towed from OD's **private parking lot,** after an illegal search was made of my vehicle. (more taunts by officers) so at 2000 we paid the charged at Downtown and went in search of Kemps. We had circled Finley four times and had goten directions at the Chevron station. We pulled up into the service station again and were getting out to go ask directions again when officer ? turned on his blue light and demande that we move our truck up where he could get out of the road. We did and we got out again. At this point the officer ordered us back into the truck. I met the officer ? between the vehicles. Once again the officer was raging that he was going to arrest me if I didn't get back into the truck. I once again explained that if I am standing in the

open, he has no cause for fear and no cause to search my vehicle. He kept on raving and called dispatch. All together there were 5 BPD and one Trooper responded.. Cars 120, 130, 128 and Green amoung others showed up. We explained that we were hunting Kemps (Green promised us that we would be escorted to Kemps but were were not helped) and had pulled into the station (again) for direction. The officer wrote us three tickets (and many threats) that I have attached. there are three; (69) I driving with no lights on (i had my lights on untill I entered the Chervron station, (70)No seat belt, (we religiously wear our belts, and remind you that the officer had to make us get back in the truck. We met him at the back of our truck.), and (71) No registration (Green admitted that it was new and we recieved no notification. Infact, no one could quote the statue number). This officer was waiting for us and these tickets are harassment, but once again your officer raged at us and called in backup to arrest us once again for disorderly conduct. It is you law enforcement that raves about the criminal blacks out his windows and is hiding a ozzy (machine gun) under his seat. We, the honest citizen, remove ourselves from our cars to (1) keep from being shot in the back and a gun planted, (2) everthing being done in the open (my taperecorder was intentionally destroyed) and (3) having your officers plant drugs (that they sell (15lb North Precinct). In this case we had our lights on, our seat belts buckled, and all the registration we thought the law required (insurance cards). As we said he was waiting and he intended to arrest me and my mother again. These Officers are out of control.

Futher, I was scratched up by the bike boy and demand that he and Jackson?be tested for AID's , HIV, and hepatitus A,B.C, ect. Also note that though the left wrist was visibly bleading you allowed bike boy to recuff and the jail personell that jerked my hands aroung and made me stand up aginst the wall did not change gloves and this was directed by the Sergeant in the white shirt, these acts were intentional. This is noted in the Carraway report and was visible to Cooper Green's staff, I assume this was one reason that they refused to

remove the cuffs an treat me. I also consider that this is retaliation for my announced intent to sue BPD Officer Treadwell and Birmingham and it's agents (see, CR-96-0072, July 3,1997) CC-96-3532. We can only assume that you intend to escalate your damages, Garrett's conviction was overturned on all points.

Harry J. Coughlin, Jr.
Bettye L. Coughlin

Attached as Pages 3&4

Copys of Uniform Traffic Tickets 1340769 (driving without lights), 70(no seat belts), &71(on registration), issued on 5/8/98 at 21:24 MT by Officer #2834, court appearance date 6/9/98.

Copy of Carraway Medical Emergency Dept. Admission for 5/8/98.

APPENDIX F

THE STATE OF ALABAMA --- JUDICIAL DEPARTMENT

THE ALABAMA COURT OF CRIMINAL APPEALS

OCTOBER TERM, 1996-97

CR-96-0072

RELEASED JUL 3, 1996

Harry John Coughlin,Jr. vs. City of Birmingham

Appeal from Jefferson Circuit Court

(CC-96-3532)

LONG, PRESIDING JUDGE

The appellant, Harry John Coughlin, Jr., was convicted in the municipal court of Birmingham for parking his vehicle in an improper space, a violation of Birmingham City Ordinance §10-15-21. He appealed to the Circuit Court of Jefferson County, was tried without a jury, and was found guilty. He was fined $25 plus costs.

Coughlin raises several issues an appeal; however, we need address only one of the issues raised: Whether Coughlin was wrongfully denied his right to a trial by jury.

The record reflects that on August 8, 1996, eight days after his conviction in municipal court, Coughlin filed a timely notice of appeal, seeking a trial de novo in the circuit court. He used a form apparently provided to him by the municipal court clerk. The righthand margin of the notice of appeal contains, in Coughlin's handwriting, what appears to be the word "Fury." However, Coughlin maintains that he intended to write the word "Jury," in order to assert a demand for a jury trial in the circuit court. Nowhere on the notice of appeal form is there a designated place for a defendant to indicate a demand for a trial by jury in the circuit court. When Coughlin's case was called to trial on September 24, 1996, the circuit court, over Coughlin's objection, proceeded to hear his case without a jury, holding that Coughlin's notice of appeal "spoke for itself" and that the word "Fury" did not constitute a proper demand for a jury trial.

Rule 18.1(a), Ala.R.Crim.P., provides:

> "Defendants in all criminal cases shall have the right to be tried by a jury. In cases triable in the first instance in the district or municipal courts, the defendant shall have the right to trial by jury only on demand upon appeal to the circuit court for trial de novo as provided in Rule 30.1. Upon conviction in municipal or district court, the defendant shall be advised of the right to appeal for trial de novo and to demand a jury trial."

Rule 18.1(b)(2), Ala.R.Crim.P., provides:

> "When the defendant appeals for trial de novo in the circuit court, he or she must demand a jury trial in writing at the time of filing notice of appeal for trial de

novo, or within seven (7) days thereafter. Failure of a defendant to make a timely demand for trial by jury shall be deemed to be a waiver by the defendant of his or her right to trial by jury.,.

"[I]n Alabama every criminal defendant charged with any misdemeanor has a statutory right to a jury trial in circuit court upon timely written demand." Deming v. City of Mobile, 677 So.2d 1233, 1235 (Ala. Cr. App. 1995), citing §15-14-30, Ala. Code 1975. "The rule applies to state laws and municipal ordinances alike." Committee Comments to Rule 18.1(a), Ala.R.Crim.P., quoted in Demina, 677 So.2d at 1235. See Day v. City of Mobile, 439 So.2d 812 (Ala.Cr.App. 1983).

Under the circumstances of this case, we must conclude that Coughlin made a timely and proper written demand for a jury trial. Because the notice of appeal form provided to Coughlin by the municipal court does not contain a box or other designated place where a defendant can demand a trial by jury, the logical place to indicate a demand for a jury trial is in the righthand margin of the notice of appeal, where the handwritten word indeed appears in this case. While Coughlin was guilty either of poor handwriting or an inadvertent error (writing an "F" instead of a "J") in attempting to write the word "Jury" on his notice of appeal, we think the writing should reasonably have been construed to reflecta demand for a jury trial.' We can think of no reason why someone would write the word "Fury" on his notice of appeal, and a person presented with Coughlin's notice of appeal would have to be almost willfully incurious not to attach the proper significance to the word written in the margin. Additionally, we note that Rulp18.1(b)(3), Ala.R.Crim.P., provides a defendant with an opportunity to seek relief from his waiver of a jury trial, with the consent of the court, before the taking of any evidence. The record reflects that Coughlin objected to the fact that he was notbeing tried before a jury before the circuit court proceededtohear his

case.Under the circumstances, the circuit courtshould have resolved any ambiguities concerning what Coughlin had written on the notice of appeal form in Coughlin's favor, particularly in light of the fact that the form contained no designated place where Coughlin could assert his jury demand.

The use of a notice of appeal form like the one provided to Coughlin hinders a defendant from asserting his or her right to a jury trial and only invites the type of difficulties that arose in this case. Accordingly, we strongly urge the municipal court to provide a defendant seeking to appeal to circuit court for a trial de novo with a notice of appeal form that is substantially similar to the suggested Unified Justice System Form MC-16 (previously Form104), found in Ala.R.Crim.P., Appendix of Forms, which contains boxes for a defendant to mark to indicate either a request for a trial without a jury or a demand for a jury trial.

For the reasons stated above, the judgment of the circuit court is reversed and the cause is remanded with directions that Coughlin be afforded a trial by jury in accordance with his request.

REVERSED AND REMANDED WITH DIRECTIONS.

ALL THE JUDGES CONCUR.

'The municipal court records forwarded to the circuit court on the same day that Coughlin filed his notice of appeal contained a notation that Coughlin had demanded a jury trial. Moreover, the computer printout of the case action summary prepared by the Alabama Judicial Information Center for the proceedings in the circuit court also indicated that Coughlin had demanded a jury trial.

ATTACHED AS PAGE 7 is the only paper I have recieved from B'ham when I was bailed out at 18:00 MT

(Defendant)

Night Court
801 17th Street, N.
Birmingham, AL 35203

Birmingham, Municipal Justice Center
on the 10day of June, 1998. ..... City of B'ham Plaintiff and Harry John Coughlin Defendant at (NO TIME SET)
Witness, this 8 day of May, 1998.
BY unreadable
Officer

Page 8, shows persons served by Defendant, Petitioner

City Magistrate (personal and Certified Mail) City Clerk (personel and certified), Circuit Judges Thorn, Garrett, & Jackson(stamped), Districe Attorney, Internal Affairs, Chief, Federal Attorney, FBI, ABI, Alabama Safty Dept, Alabama Attorney General, plus the different Precincts and the Sheriff's Dept. & Internal Affairs.

APPENDIX G

IN TIIE JEFFERSON COUNTY, CRIMINAL COURT

Ex Parti; Harry J. Coughlin, Jr., LLb.

Coughlin,
Defendant, Petitioner,
vs.
B'ham,
Presecutor, Respondent.

WRIT OF MANDAMUS to the Presiding Judge

Petitioner was falsely arrested and imprisoned by Birmingham Police on 5/8/98 at appro. 1100 hours. Later we were harrassed by "brother officers" and given 3 more

fabricated tickets and once again falsely arrested and imprisoned. I have included copies of the paperwork. I have served upon the parties (city attorney, city clerk, mayor, IA, E., N., S., Precinct's, ect.). I have included a copy of the MOTION and the supporting documents. I have tried to act in a reasonable manner, but at every step the city and its agents (city clerk, jail personell, ect.) have acted in a arbitrary manner and have continued to harrass and threaten. This case is a continuation of the Treadwell case (included). Infact, Judge Garrett is conspiring with Jackson and Prior's office and I have filed (4/17/98).

It is the duty and responsibility of the Circuit Court to direct and control it's lower court. In this case Garrett has participated in the illegal and unconstitutional acts of the city. Infact, there is evidence that he directed these acts. It can be no accident that this is another case of insurance fraud. I have included pictures of the van (more pictures) that show there was no damage to the van. I can only assume that this is direct retaliation by Garrett over my notice that I intend to sue on or before 7?3/98, one year after the reversal of Garrett's case. The Appeals Court was kind to Garrett (mystery judge) and filing dates.

I demand the records, tapes, ect. as set out in the discovery, now. I have set it out and there can be no arguement. I have an absolute right to all the materals requested and if the discovery is not honored, now, I will be seeing Demint. What the city and their "city circuit judge" is directing is criminal in nature. In Alabama the court system is the Mafia.

DONE THIS 5/19/98.

Harry J. Coughlin, (Petitioner, Pro Se)
Bettye L. Coughlin
1616 Mann Dr.
B'ham, AL 35214

APPENDIX H

ALABAMA JUDICAL DATA CENTER
COURT PAYMENT SYSTEM
JEFFERSON COUNTY
NO: 10442

RECEIPT DATE: 05/20
CASE: CC 96 003532.40 TIME: 12:38
RECIEVED FROM: COUGHLIN HARRY JOHN JR. BATCH: 98169
AMOUNT: ONE HUNDRED SIXTEEN AND NO CENTS----------$**********

FOR ACCOUNT: S003 Mandamus
$116.00
***BALANCE DUE ON THIS CASE IS:
00.00
RECIEVED BY: LYR

APPENDIX I

08370 *ALABAMA JUDICAL INFORMATION SYSTEM* CASE: CC 96 003532.40
CAY CASE ACTION SUMMARY

CIRCUIT CRIMINAL RUN
DATE: 0!5/20/98

IN-THE CIRCUIT COURT OF JEFFERSON

JUDGE: JHH
CITY OF BIRMINGHAM vs
COUGHLIN HARRY JOHN JR
CASE: CC 96 003532.40
1616 MANN DR

B'ham, AL 35214 0000
08: 08/05/48 SEX: M RACE: W
HT: 0 00 WT: 000 HR: EYES:
SSN: 417662015 ALIAS NAMES:

CHARGE 1: WRIT OF *MANDAMUS*
CODE 1: MAND I.IT: WRIT OF MANDAMUS TYP: 0
MORE?: OFFENSE DATE:
AGENC Y OFF ICER:

DATE (WAR/C AP I SS:
DATE ARRESTED:
DATE INDICTED:
DATE FILED: 05/20/98
DATE RELEASED:
DATE HEARING:
C)NO AMOUNT: $.00
SURETIES:

DATE 1: DESC:
TIME: 0000
DATE 2: DESC:
TIME: 0000

DEF/ATY:
TYPE:
PROSECUTOR: WYATT, CHARLES H, JR
TYPE:

Court CASE: Ct-IK/TICKF-T NO:
GRAND JURY:
COURT REPORTER: 610 NO:
DEF STATUS,. OTHER DEMAND:
OPER: 'CAY

DATE ACTIONS, JUDGEMENTS, AND NOTES

05. 21.98 Pctition for Writ of Mandamus is Dcnicd, signed by Hard.

APPENDIX J

IN THE JEFFERSON COUNTY, CRIMINAL CIRCUIT COURT

Ex Parti; Harry J. Coughlin, Jr, LLb.

Coughlin,
Defendant, Petitioner,

vs

B'ham.
Prosecuter, Respondent.

PETITION FOR WRIT OF MANDAMUS to Presiding Judge (Mike McCormick and or Wayne P. Thorn

Petitioner submitted his Petition to the Presiding Judge, that is not judge Hard (the former "city circuit judge") I wanted the overall Presiding Judge, Thorn, but Hard is an intentional denial, unless he is now the "city circuit judge". I am requesting a protective order from Garrett and his city friends. As the Treadwell case showed we were intentionally denied a "meaningful hearing and due process". Infact, I was actually assulted by the mystry magistrate and this is of record. I have tried to serve papers on the city (copies included) and the cities answer sofar has been to threated us or throw them into the garbage can. This is the same thing that Garrett has done. I demand that Thorn issue a protective order to the city and force the city to comply with my discovery. Once again I am only asking for what is set out in ARCP.

Petitioner was falsely arrested and imprisoned by Birmingham Police on 5/8/98 at appro. 1100 hours. Later we were harrassed by "brother officers" and given three more tickets fabricated tickets and once again falsely arrested and imprisioned. I have included copies of the paperwork I have served upon the parties (city attorney, city clerk, mayor, IA, E., N., S. Precinct's, ect.). I have included a copy of the MOTION and the supporting documents. I have tried to act in a reasonable manner but at every step the city and its agents (city clerk, jail personell, ect.) have acted in a arbitrary manner and have continued to harass and threaten. This case is a continuation of the Treadwell case (included) Infact, Judge Garrett is conspiring with Jackson and Priors office and I have already filed (4/17/98).

It is the duty and responsibility of the Circuit Court to direct and control it's lower court. In this case Garrett has participated to the illegal and uncobstitutional acts of the city. Infact, there is evidence that he directs these acts. It can be no accident that this is another case of insurance fraud. I have included pictures of the van (more pictures) that show there was no damage to the van. I can only assume that this is direct retaliation by Garrett over my notice that I intend to sue on or before 7/3/98, one year after the reversal of Garrett's case. The Appeals Court was kind to Garrett (mystry judge) and filing dates.

I demand the records, tapes, ect as set out in the discovery now. I have set it out and there can be no arguement. I have an absolute right to all the materals requested and if the discovery is not honored now I will be seeing DeMint. What the city and their "city circuit judge" is directing is criminal in nature. In Alabama the court system is the Mafia.

DONE THIS 6/2/98.

Harry J. Coughlin, Jr. (Petitioner, Pro Se,)
Bettye L. Coughlin
1616 Mann Dr.
B'ham, AL 35214

APPENDIX K

IN THE JEFFERSON COUNTY, CIRCUIT COURT

Ex Parti: Harry J. Coughlin, Jr., LLb.
Coughlin,
Defendant, Petitioner,
vs.
B'ham,
Prosecutor, Respondent.

AMENDED COMPLAINT with Judge Thorn's Permission

PETITION FOR WRIT OF MANDAMUS and COMPLAINT to ,

Wayne P. Thorn, Presiding Judge

Petitioner, Harry Coughlin, demands that the Presiding Judge direct and control the B'ham City court as set out in Constitutional Admendment 328 (New Judical Act). Petitioner demands that the provisions set out be implimented in this circuit. As it now stands this circuit is in violation of RICO and has created a "hostile work envioroment".

Petitioner was falsely arrested and imprisoned on private property by B'ham Officer Treadwell in 96, this was a wrongful arrest and was done to "teach me some respect". At trial in city court the "mystery magistrate" swung at me from the beanch. I prefected the appeal that day. Later I was tried in circuit court. First, Garrett sent me to the Annex with the "mystery judge". The "mystery judge" denied me a reporter (I had one on call) and a jury. Infact, he ordered my arrest because I took out my tape recorder. While he was waiting for the sheriff (Alred?) he put Treadwell on the stand and swore her in and took testimony, all the time telling me I was going to jail. A deputy did not show up judge Garrett did, and he ordered us (Treadwell) to be back the next morning at 9. We were and we filed a motion setting out the facts that a mistrial had occured and double jepordy had attached. Judge Garrett released us because Treadwell was not present, but jerked us out of the elevator after Treadwell showed up. As you can see the Alabama Court of Criminal Appeals was extremely "kind" to the "city circuit judge". The reason we bring up this is the fact that all these cases are related USSC 96-443, CV9405730WAJ, CV962070JSV, CC963532 (**701 So.2d 830**), CV974893WAJ and the present arrest. In every one we get back to the "**family**".

Petitioner contends that (see page 5&6) **Events of 5/8/98** sets forth a clear case of excessive force" and "police harassment". I was intentionally beaten and left without medical care, such treatment was known by everyone, even the magistrate. Petitioner has tried to serve **MOTION TO CONSOLIDATE ALL CASES TO 6/10/98 date (see page**

7 Attachment), A DEMAND FOR JURY TRIAL, and Rule 26 Discovery Demand. this is included as pages 3&4 attachment. As the court will see I layed it out 1, 2, 3, ect. I still want and demand that the bike boy and Jackson be tested for AID's and Hepatitus A-E and drugs. The reason WE are back is because when we served these papers the city clerk said "go to hell", Wyatt said "go to hell",and infact, I was told that "They" (see page 12) would throw it into the garbage, again. Infact, this is SOP for this circuit and Alabama.

On 5/19/98 Petitioner petitioned the Presiding Judge, that is you Thorn, we were made to once again pay cash in the amount of $116.00. We did not want Garrett, the former city circuit judge to hear it, Hard his predecessor or McCormick to hear it, we named the **Persiding Judge**. The judge responsible for the direction and control of the lower court (city court and I am sure we all remember "smileing Jack" Montgomery, the man that didn't have anything to sell). On 6/1/98 Petitioner recieved (SOP) a denial by Hard (is he the repacement city circuit judge) On 6/2/98 we tried to refile the PETITION FOR WRIT OF MANDAMUS to Presiding Judge (Mike McCormick and/or Wayne P Thorn. The Clerk refused to accept the writ and we were forced to seek out the judges themselves. McCormick refused outright. Judge Thorn refused to accept the writ and demanded that we amend it. We have now amended it.

Futher, we (my mother and I) take exception to the treatment and slanderous remarks of Judge Thorn. We went to his office 550 and were tring to leave the writen petition with his secutary. Judge Thorn asked me to explain the Petition I did, he took exception to the inclusion of Garrett. I explained that these current arreasts are retaliation for me serving notice that I am going to sue Treadwell on or before 7/3/98. Also, Garrett's case shows that the city and it's pet judge always act with a total disreguard for any law or rule, this is SOP. Judge Trorn was insulting. He stated that we "stunk" though it was a record high and we had (as the juriors) had to walk 4 blocks, we were wearing clean clothes and infact had taken showes

before coming to the court (less that 2hours). These were not his only remarks, but shows this judges "hostile" behavior. Not only did he berate us he called deputy sheriff Alred, again. I have included a copy of MOTION FOR A REHEARING filed in ***Coughlin vs. Bailey*** on page 14&15. Not only did Alred assalt my mother then, he later approached the juriors on my case and told them that we had been chasing judge Vowel. This was an outright lie and done to prejudgedice my jury. You will note that the "transcript" shows that "deputy Palmore" wilfully fabricated an accident report and King participated in the fraud, but Vowel directed the jury that King could not direct Palmore so they could not find aginst him (SOP). Today (6/2/98) Thorn called Alred again and at gunpoint he ejected us from the courthouse. Once again he was used as a weapon aginst us. Infact, WE have had three hearings before judge Jackson (CV97-4893-WAJ) and at every hearing Alred was present in the judge's chambers. We object to chambers (see Riley) and have asked to meet in open court, but Jackson insist on holding motions in chambers.. At every hearing Alred is standing behind the judge with his hand on his gun. Once again we remind you that Gary White and Gloor refered to you as the "family". Every time we go to the courthouse we are intentionally threatened and forced to work in a "hostile work enviornment". We are tired of this Court treating US as criminals, lied about and assulted at every opportunity.

DONE THIS the 6/3/98.

Harry J. Coughlin, Jr., LLb. (pro Se)
Bettye L. Coughlin
1616 Mann Dr.
B'ham, AL 35214

APPENDIX I.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

Coughlin,
Plaintiff,
vs. Case No: CV 97-4893-WAJ
Greathouse, et al,
Defendants.

MOTION TO ADD DEFENDANTS and CHANGE OF JUDGE

Plaintiff now adds Bettye L. Coughlin (mother) to this suit. (1) We own the car jointly and (2) we own the insurance jointly. This was understood by this trial judge. At this time we include a booklet to the SCUS No. 96-443 to show the trial judge's bias. For these reasons Plaintiffs move the judge to recuse himself, at this time.

Plaintiffs do not object to CC being named a defendant, but we do object to CC being allowed to enter an Intervention (Rule 24, ARCP). This Judge is up to his old tricks. We recieved a letter from CC dated 4/8/98 that said the motion was set for hearing on 5/26/98 (we recieved this letter on 4/14/98 and filed a complaint with the Post Office). Once again, you grant the motion in the dead of night, SOP.

At this time Plaintiffs attachs the following documents to this motion, to show the absolute fraud;

(1)AA Papers filed in assending order by CC, Plaintiff & WAJ.
(2)BB Service of Subpoena's (2/23/98)
(3)CC Copy of photos (f&b) showing Maj. Ray's initials and date shown (8/23/98)
(4)DD Copy of papers filed with Maj. Shoemaker on 8/23/98.
(5)EE Accident report 9608-2863
(6)FF Accident report 9603-0080
(7)GG Report on Deputy Palmore (PC-011-96)
(8)HH ChoicePoint Consumer Center report recieved 4/16/98.
(9)II Accident report 931039705 (and attached letters)
(10)JJ SCUS booklet No. 96-443

Palmore in both cases worked under the direction of the Circuit judge. He and the sheriff's dept. fabricated a report false report. The Dept. of Public Safety acted as their collection agancy, and the insurance companies (Travelers ((Aetna)), State Farm, ALFA, CC, ect.) benefited from the flase report. Infact, in this case Greathouse attempted to kill me. This will be established at trial by testimony and physical evidence.

For the above reasons, Plaintiffs move the court to add Palmore, Woodard, CC, SF, Maj Shoemaker & Ray and JR Prewitt. Once again the State has conspired to cancel our insurance, suppend and revoke our drivers licenses, destroy our property, personally injure us, denie us medical care, and attempt to take our lives. This case is only an extention of the CV 9405730 WAJ. We shall take up these issues on the May 26, 1998 hearing that has already been established.
DONE this the 4/17/98.

Harry J. Coughlin , Jr., LLb.

Bettye L. Coughlin
Plaintiffs

1616 Mann Dr.
B'ham, AL 35214

CERTIFICATE OF SERVICE

I hereby certify that I have this the __ __day of April, 1998 have served the following motion on the following.
AG, Alabama Detp. of Public Safety, P.O. Box 1511, Mont. AL 36102-1511
Berlon & Timmel, Parkplace Tower, Suite 625, 2001 Park Place North, B'ham, AL 35203
Joe C. Carroll & Assoicates, 3125 Independance Drive, Suite 106, B'ham, AL 35209.
JR Prewitt & Associates, 2100 17th Ave. S., B'ham, AL 35255.

Harry J. Coughlin

APPENDIX M
IN THE CIRCUIT COURT OF JEFFERSON COUNTY

RE: Ex Parte
Coughlin,
Plaintiff,
vs. CV97-4893-WAJ
Greathouse, et al,
Defendants.

NOTICE TO JUDGE JACKSON

We have included a copy of the MOTION filed with Presiding Judge Thorn. It will be noted that Thorn has been advised of all that has occured, this has been going on since 1991. Once again you have been privately comunicating with *your* attorneys and have been backdating your orders. This is SOP with you, as noted in CV9405730WAJ, and is also noted on appeal and in the mandamus to the Alabama Supreme Court.

As you said at the hearing on the 26th, "Court Administration can go to hell". You have intentionally disreguarded the schedule set out by the CA, you have also refused to compell State Farm to answer, and refused to hold the Attorney General, Shoemaker and Ray in contempt for their wilful noncompliance with your order. We also put you on notice that each time we have appeared in your courtroom you have refused to use the courtroom and have made us use your chambers. We have always objected to this proceedure, and especally since ***Riley***.

Every time we show up you have had Alred and a female officer (last time) lean on us. They have intentionally crowded us and have infact sought to intimidate us. Infact, he has been present standing behind you, with his hand on his gun butt, in your chambers at every hearing. You have made remarks all through the meeting, crazy, nut cakes, experiments, ect., directed at us. Infact, it is not us who see's "little red cars or

things, *apparently*", and it is not us that saw Greathouse's car totaled (see photo attached to COMPLAINT) It is not us that that saw $3,000.00 worth of damage to King's truck (untill the day of trial). And if the Judge doubts that there was an experiment, then he should read the Louisiana case, they are not as backward as Alabama. In each instance there are two common factors, the state's police power, Health Dept, Sheriff's Dept, County Commission, city police, Court personel, all your people that hide behind "sovern imunity". I filed Subpoena's on Feb. 23 and Polly has failed or refused to serve them, **again**. The other factor is the insurance companies, infact, Aetna knew King's truck was not damaged, but they tried to make me pay him, for tring to kill me. State Farm, Cincinnati, Shoemaker, and Palmore have conspired to (1) kill, (2) injure, (3)denie us any medecal care, (4) destroy our property, (5) denie us coverage, and (6) void our driver's licenses.(and no B'ham didn't grant me a license)

In each case we have proven that we were intentionally wronged, and in each case the upper court has refused to "direct and control it's lower court". ***442 So.2d 104*** is 3 blank pages, West (unlike Alabama) does not print intentional lies. The Trial Judge has intentionally created a "**hostile work enviroment**". Vowel's case established that Palmore's is a pathalogical liar and this
(Greathouse) accident report (released into interstate commerce) is just as flawed as the King case, as this judge has already conceeded. We can only assume that you, as Vowel did, intend to have Alred to bias this jury and tell some more lies, your stock and trade.

We expect this court to enforce it orders, remove Alred, and remove Polly if she can't do her job and serve the papers we paid for, and to learn the difference between a presiding judge and a "city circuit judge". We all know that the last is what got Montgomery killed. Plaintiff feels that these judges and courthouse are so prejudiced that they are unable to act in a professional manner. Infact, everything complained of has been intentional and wilful and we once again demand that

this judge recuse himself.
DONE THIS 6/3/98.

Harry J. Coughlin, Jr., LLb.(Pro Se)
Bettye L. Coughlin (Pro Se)
1616 Mann Dr.
B'ham, AL 35214

APPENDIX N

06/30/98 ChoicePoint Page: 239

C.L.U.E. -- COMPREHENSIVE LOSS UNDERWRITING

EXCHANGE Inq Page: 2

Quoteback: 98180CLUE!981780000323:01:03.9
CD9817800003
C.L.U.E. Ref. 99900279000088
COUGHLIN BETTY
REPORTED CLAIM HISTORY

Reported loss history with identification information that is underlined may not apply to this risk and should be verified prior to use. This report is not a recommendation, Subscriber should independently determine what action , to take.

Subj/Vhe --CLUE File # ---Claim Number---
ClaimAmount
-Policy Type & Company-- --Policy Number
----- Type Paid
Date/Age ---------- Driver ----------

1 9628400260022106
AFA902359824 08149601 MP/0
PA CINCINNATI CASUALTY
APA902359824 UM/0
08/14/96 *COUGHLIN BETTYE L (P/H)

FP: 00/00/00

1yr-10mo _____(V/O)

(NF) 1616 MANN DR

BIRMINGHAM AL 35214-2532

DOB: 06/18/29 Sex: F SSN: 000-00-0000

Driv. Lic.: 1539498

State: AL

Vehicle: 78 TOYOTA COROLLA

VIN: KE30 30 301087 Disp.: 1

9331500130019312

AFA902359821 10159301 PD/C 725

PA CINCINNATI CASUALTY APA902359821

FP: 00/00/00

10/15/93 *COUGHLIN BETTYE L (P/H)

4yr-08mo (V/O)

(AF) 1616 MANN DR

BIRMINGHAM AL 35214

DOB: 06/18/29 Sex: F

SSN: 000-00-0000

Driv. Lic.: 1539498

State: AL

Vehicle: 78 TOYOTA COROLLA

VIN: KE30 30 301087 Disp.:

APPENDIX O

STANDARD TRACK ASSIGNMENT-SCHEDULING NOTICE

IN THE CIRCUIT COURT OF JEFFERSON COUNTY ALABAMA

HARRY J COUGHLIN JR LLB VS PATRICIA P

GREATHOUSE

NOTICE DATE: 09/24/97
-FROM- CASE NO: CV 97 004893.00
POLLY CONRADI (CV) DISCOVERY
INIT-03/23/98
716 N 21ST ST ROOM 313 DISCOVERY
COMPLETE-04/22/98 BIRMINGHAMV AL 35263

ASSIGNED JUDGE-WILLIAM A. JACKSON

MOTIONS FOR CHANGE IN TRACK ASSIGNMENT MUST BE FILED WITH THE CIRCUIT CLERKS OFFICE WITHIN 15 DAYS FROM THE NOTICE DATE. DISCOVERY IS TO BE COMPLETED BY THE ABOVE DATE AND IS SUBJECT TO THE FOLLOWING LIMITS: LIMITED TO 6 DEPOSITIONS; ATTORNEYS LIMITED TO 100 SINGLE-PART ITEMS INCLUDING INTERROGATORIES, PRODUCTION OR ADMISSION REQUESTS AND MUST BE COMPLETED WITHIN 180 DAYS FROM THIS NOTICE DATE. ALLOWABLE REMAINING PAPER DISCOVERY TO BE INITIATED ON OR BEFORE THE 180TH DAY AND COMPLETED BY THE 210TH DAY, FROM THIS NOTICE DATE.

COURT NOTICE TO
STATUS CONFERENCE:
COUGHLIN HARRY J JR., LLB
DATE: 00/00/00
1616 MANN DR TIME: 0000 M
B'HAM AL 35214

THE ASSIGNED JUDGE WILL CONDUCT A STATUS CONFERENCE WITHIN 90 DAYS IFROM THIS NOTICE DATE. IF THIS NOTICE DOES NOT SPECIFY A CONFERENCEV ITHE JUDGE WILL CONTACT YOU TO SCHEDULE SAID CONFERENCE-